

**FLATHEAD COUNTY BOARD OF ADJUSTMENT
MINUTES OF MEETING
MARCH 7, 2006**

CALL TO ORDER

The regular meeting of the Flathead County Board of Adjustment was called to order at approximately 6:00 p.m. Committee members present were Tony Sagami, Gina Klempel, Scott Hollinger, and Mark Hash. Denny Rae had an excused absence. Rebecca Shaw represented the Flathead County Planning & Zoning Office (FCPZ).

There were 4 people in the audience.

APPROVAL OF MINUTES

No minutes were approved at this meeting.

**CONDITIONAL USE
PERMIT/
BURRHEAD INC.
FCU 06-03**

A request by Burrhead Inc. for a Conditional Use Permit to operate a tavern within the Lakeside Zoning District. The property is located at 7170 Highway 93 South. A convenience store and "Dairy Queen" restaurant currently operate onsite.

STAFF REPORT

Rebecca Shaw of the Flathead County Planning & Zoning Office reviewed Staff Report FCU 06-03 for the Board.

APPLICANT

Mike Burr, applicant, addressed the Board and asked for the approval of a tavern, which is an allowable use in the Lakeside Neighborhood Plan/Zoning District. He stated the Lakeside Community Council sent a favorable recommendation for this proposal. The only comment received was from the Lakeside Elementary School, stating the tavern cannot be within 600 feet of a school if it is on the same road. He said this building is not on the same road as the school, and the properties do not join. There is a 5-ft fence surrounding the playground of the Elementary School, and the entire time he has owned this property, they have never had any school children climb the fence to come into the convenience store.

The property will continue to be a convenience store and gasoline station, and the Dairy Queen will still operate. All the services Lakeside currently has will continue; this will be an additional service. The building will be expanded to the north approximately 1600 square feet. Part of that will be for the convenience store and the addition of new restrooms. The tavern portion will be approximately 1400 square feet. The entire building as it sits is approximately 2400 square feet, he states they are not overwhelming the site with this addition, as it is a half acre site, about 25,000 square feet. The total existing building and the addition will total around

4000 square feet, and again he reiterated this addition will not overwhelm the site.

The Dairy Queen, which they lease, has new owners who were informed of this proposal, and they agree and have no problems with the plan. The regional Dairy Queen office was also made aware of this proposal and they agree to the changes. 'Re-max of Lakeside', a real estate office and the closest neighbor to the south, were informed early on during negotiations, as well as the owners of the 1 ½ acre vacant ground to the west that abuts the school, and none of them had any problems with this proposal. A tavern across the street did not protest it when informed as well.

The applicants feel Lakeside will benefit from the sale of their business into new hands, and with building improvements that would increase the tax base and employment benefits as well. The new operation will double the employment issue as well.

Rebecca King handed out the new parking scheme and packet that had been handed out at the Lakeside Community Council meeting, for the Board to review. She stated the upstairs area is for storage and for the mechanical room. The hours of operation for the tavern will be from 8 a.m.-12a.m. The convenience store will be open 6 a.m. – 12 a.m. Landscaping will hide the propane tank from the neighbors.

PUBLIC COMMENT

Bob Lincoln is in favor of this application and states it is good for the area.

STAFF REBUTTAL

None.

APPLICANT REBUTTAL

None.

MOTION

Hollinger made a motion seconded by Sagami to adopt Staff Report FCU 06-03 as findings of fact and recommended approval.

BOARD DISCUSSION

Hash asked about the statute for the proximity of this tavern to the school. He stated this Board has the authority to deny a proposal based on their concerns regarding close proximity to schools and possible negative impacts.

He asked Staff is it their conclusion, given the location of the establishment to the school, will this not be an impact?

Shaw (Staff) noted the school is not on the same road as the proposed tavern.

Hash again asked if Staff thought there would be any negative impact to the school or the neighborhood.

Shaw (Staff) replied "not in her opinion".

Hash wanted to know if it is the fence that blocks this from the children.

Shaw (Staff) replied yes, because of the way the school faces, children would have to go out and around the equivalent of a couple of blocks, because of the fence. They could not just cut through.

Hollinger asked if there had been any negative impact from the other casino in the area.

Burr stated there had not been any issues with the children, being they are younger elementary children, not Junior High or High School students.

ROLL CALL

On a roll call vote the motion passed unanimously.

OLD BUSINESS

Hash inquired about the form used for conduct of public hearings, could Staff put item (i) rebuttals before (g) public comment. Staff agrees it would make sense, and will make the appropriate changes before the next regular meeting.

Discussion was held regarding how the Board requests information from Staff, and are the questions at the appropriate time.

NEW BUSINESS

Sagami asked what was on the agenda for the next regular meeting. Staff informed the Board of the upcoming applications.

ADJOURNMENT

The meeting was adjourned at 6:35 p.m. The next meeting will be held at 6:00 p.m. on April 4, 2006.

Dennis Rea, President

Mary Sevier, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 4/4/06